

**Notice of Allowability**

Application No.

10/714,130

Examiner

Dolores R. Collins

Applicant(s)

LEVINSON, JOEL S.

Art Unit

3711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/24/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 13 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Examiner acknowledges response by applicant's representative received 5/24/05. Examiner further acknowledges the corrections/clarifications made to address the issues of the first action and the addition of claims 12-20.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Brian Walker on 8/8/05.

The application has been amended as follows:

In claim 1, line 5:

- After **and** please remove "possibly"

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In claim 1, line 9:

- After **so that** please remove "the pieces" and insert -- every tile piece --

In claim 1, line 9:

- Please remove **are** and insert -- is --

In claim 1, line 9:

- Please remove **an** and insert -- a stationary --

In claim 1, line 12:

- After **moving** please insert -- wherein each tile piece has a groove at a bottom --

In claim 12, line 9:

- After **so that** please remove "the pieces" and insert -- every tile piece --

In claim 12, line 9:

- Please remove **are** and insert -- is --

In claim 12, line 9:

- Please remove **an** and insert -- a stationary --

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In claim 12, line12:

- After **moving** please insert - - wherein each tile piece has a groove at a bottom - -

In claim 17, line 7:

- After **so that** please remove "the pieces" and insert – every tile piece –

In claim 17, line 7:

- Please remove **are** and insert -- is –

In claim 17, line 7:

- Please remove **an** and insert -- a stationary –

In claim 17, line10:

- After **moving** please insert - - ; wherein each tile piece has a groove at a bottom - -

***Allowable Subject Matter***

Claims 1-20 allowed.

The following is an examiner's statement of reasons for allowance: Patentability has been found because the prior art fails to suggest or show the combination as set forth in the independent claims 1, 12 & 17 including each tile piece in each row is capable of sliding relative to a stationary row and each tile piece has a groove at a bottom in addition to other elements of structure claimed. This requirement is not seen or fairly suggested by the prior art of record.

The closest prior art of reference was Maier et al. (743). Maier's teachings fail to anticipate or render obvious applicant's invention because absent from his teachings is each tile piece having a groove at a bottom.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

### ***Response to Arguments***

Applicant's arguments filed 5/24/05 have been fully considered but they are moot since the claims are now considered allowable.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is ***(571) 272-4421***. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Greg Vidovich*** can be reached on ***(571) 272-4415***. The fax phone number for the organization where this application or proceeding is assigned is ***703-872-9306***.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

  
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8/9/05

  
**STEPHEN BLAU**  
**PRIMARY EXAMINER**